

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05cv56-H**

YESTERDAY'S TREE, INC.,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
NATIONAL GRANGE MUTUAL)	
INSURANCE COMPANY,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the court on defendant's Motion to Stay Action, which the parties appear to agree is appropriate at this point in the litigation. Having considered defendant's motion and reviewed the pleadings, and it appearing that the parties are attempting to amicably resolve what appears to be a key issue, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Stay Action (#9) is **GRANTED**, and this action is **STAYED** up to and inclusive of September 5, 2005. The pending Motion to Dismiss is **DENIED** without prejudice as to refiling.

The court notes that defendant has specifically reserved its rights regarding the policy of insurance, developments in North Carolina law, and the issue of appraisal.

Signed: July 3, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

